

**REMARKS**

Claims 1-21 are pending in the application, with claims 1-10, 12 and 19 having been withdrawn from consideration.

Claims 11, 13, 14,15, 16 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the Applicants regard as their invention. It is believed that this Amendment is fully responsive to the Office Action dated **January 24, 2003**.

**Non-Responsiveness**

An Office Communication dated December 22, 2003 was received indicating the Amendment filed on April 24, 2003 encroached upon non-elected claims. Accordingly, numerous claims have been further amended so as not to encroach upon non-elected claims. Should the Office continue to believe any claim encroaches upon non-elected claims, for the sake of more effective communication, an indication of which claim and what element of that claim encroach upon non-elected claims is respectfully requested. Concrete proposal as how to overcome the Office perceived problem is also respectfully requested.

**Objections to the Drawings**

The Examiner has objected to Figures 1-24.

More specifically, in item 5 of the office action the Examiner asserts that figures 24 (a) and 9 (b) should be labeled prior art. Figures 24 (a) and 24 (b) have been amended so that they are labeled as prior art. Further, the Examiner's assertion regarding figure 9 (b) is respectfully

traversed since this is an apparent typographical error in the office action.

In item 6 of the office action, the Examiner asserts that reference number "111", as shown in figures 12 and 13, is not described in the specification. Page 15, line 12 of the specification has been amended to indicate that the CCD is reference number 111.

Further, in item 6 of the office action, the Examiner asserts that reference L' as shown in figure 19 (b) is not discussed in the specification. Page 18, line 22 of the specification has been amended to provide support for reference L'.

Further, in item 7 of the office action, the Examiner asserts that concave positioning grooves (14), images (123), support bar (132), and mirror surfaces (131b) are not shown in any figures. In the attached request for approval of drawing corrections, figures 3, 12 and 13 have been amended to indicate the location of reference numbers 14, 131b, and 132. Entry of these drawing corrections is respectfully requested.

Further, in item 8 of the office action, the Examiner asserts that the means of light emission and the reception having polarizing plates as recited in Claims 14 and 17 are not shown in any figures. Claim 14 has been amended to overcome this rejection. Further, claim 17 has been canceled.

Therefore, withdrawal of the objection to figures 1-24 is respectfully requested.

#### **Claim Rejections under 35 USC §112**

Claims 11, 13-14, 16 and (17, 18, 20)/(11, 13, 14, 16) are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Taking the Examiner's comments into consideration, claims 11, 14-16 have been amended to overcome this rejection. Therefore, withdrawal of the rejection of Claims 11, 13-14, 16 and (17, 18, 20)/(11, 13, 14, 16) under 35 USC §112, second paragraph, is respectfully requested.

### **Double Patenting Rejection**

Claim 20 is objected to under 37 CFR §1.75 as being a substantial duplicate of claim 11. It should be noted that claim 20 is concurrently canceled herewith. This rejection is overcome by this Amendment. Withdrawal of the objection to Claim 20 under 37 CFR §1.75 is respectfully requested.

Claim 17 is objected to under 37 CFR §1.75 as being a substantial duplicate of claim 14. In light of the cancellation of claim 17, this rejection has been rendered moot. Therefore, withdrawal of the objection to claim 17 under 37 CFR §1.75 is respectfully requested.

### **Claim Rejections under 35 USC §102**

Claims 11, 15 and (18,20)/(11,15) are rejected under 35 USC §102(b) as being anticipated by Larimore (U.S. Patent No. 2,102,274).

Larimore describes a handheld microscope having a wedge shaped mirror (30) using a light bulb (60) to illuminate an object using the wedge shaped mirror (30).

As illustrated in the figure of the attached appendix and figures 9-13 and 17 of the present application, the light reception bore for image 27, 116 and the straight-through bore 28, 121 are

aligned in a row in the horizontal direction perpendicular to the depth of the sheet-like mirror 11, 131. This alignment of the light reception bore and the straight-through bore allows the sheet-like mirror to be extremely thin.

Thus, under the present invention, as figure 17 shows, it is possible that a target object A that is located in an extremely narrow position can be examined.

As opposed to this, the two bores (bore of socket 11 and bore 14) of Larimore are, as shown in figures 2 and 4 of Larimore, aligned in the direction of the depths of member 30, which makes member 30 thick.

For this reason, the member 30 is not suitable for examination of an extremely narrow position such as in figure 17 of the present application. Moreover, as can be understood from its subject, Larimore relates to pathological research, which is different from the subject of the present application.

Therefore, Larimore does not disclose or suggest the light reception bore for image 27, 116 and the straight-through bore 28, 121 are aligned in a row in the horizontal direction perpendicular to the depths of the sheet-like mirror 11.

Specifically, independent Claims 11, and 13-15 patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 11,

"A microscope comprised of: a means of light emission and reception, comprised of a straight-through bore having a built-in source of illuminating light, and a light reception bore for image light separately; a rectangular thin sheet-like mirror, arranged in a closed and adjacent manner with the straight-through bore and the light reception bore of the means of light emission and reception, wherein a mirror surface is formed at an acute angle at the tip thereof, said thin sheet-like mirror navigates illuminating light so as to reflect at said mirror surface, and

irradiate the light and a thus reflected and returned image light can be navigated and condensed by making a reflection at said mirror surface, wherein said light reception bore for the image and the straight-through bore are aligned in a row in a horizontal direction perpendicular to the depth of the thin sheet-like mirror.

Therefore, withdrawal of the rejection of Claims 11, 15 and (18,20)/(11,15) under 35 USC §102(b) as being anticipated by Larimore (U.S. Patent No. 2,102,274) is respectfully requested.

Claims 16 and 20/16 are rejected under 35 USC '102(b) as being anticipated by Kohayakawa et al. (U.S. Patent No. 4,830,483).

Claims 16 and 20 are concurrently canceled herewith, this rendering this rejection moot. Withdrawal of this rejection is respectfully requested.

**Conclusion**

In view of the aforementioned amendments and accompanying remarks, all pending claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosures: Request for Approval of Drawing Corrections w/ Figs. 3, 12, 13 and 24  
marked in red ink.

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